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PTO/SB/05 (11-00)

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	920010.448C10
	First Inventor	Martin A. Cheever
	Title	IMMUNE REACTIVITY TO HER-2/ <i>n</i> u PROTEIN FOR DIAGNOSIS AND TREATMENT OF MALIGNANCIES IN WHICH THE HER-2/ <i>neu</i> ONCOGENE IS ASSOCIATED
	Express Mail Label No.	EV336597813US

22154 U.S. PTO

10/647005



1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification [Total Pages <u>60</u> ] <i>(preferred arrangement set forth below)</i> - Descriptive title of the Invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>20</u> ] 5. Oath or Declaration [Total Sheets <u>2</u> ] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) <i>(for a continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. <input checked="" type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input checked="" type="checkbox"/> Computer Readable Form (CRF) b. <input checked="" type="checkbox"/> Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input checked="" type="checkbox"/> paper c. <input checked="" type="checkbox"/> Statements verifying identity of above copies <b>ACCOMPANYING APPLICATION PARTS</b> 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of <i>(when there is an assignee)</i> Attorney 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input checked="" type="checkbox"/> Information Disclosure <input type="checkbox"/> Copies of IDS Statement (IDS)/PTO-1449 Citations 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>Should be specifically itemized)</i> 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input checked="" type="checkbox"/> Other: <u>Check</u> <u>Remarks</u>
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18. If a CONTINUING APPLICATION OR APPLICATION CLAIMING FOREIGN PRIORITY, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) ☒ Claims priority from U.S. Patent Application No. 09/354,533, filed 07/15/99

Prior application information

Examiner Anne L. Holleran, Ph.D.

Group Art Unit: 1642

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

#### 19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Correspondence address below				or:		Customer Number  00500
Firm Name						
Address						
City, State, Zip						
Country						
Telephone	(206) 622-4900	Fax	(206) 682-6031			
Name (Print/Type)	Richard G. Sharkey, Ph.D.		Registration No. (Attorney/Agent)	32,629		
Signature	<i>Richard G. Sharkey</i>		Date	August 21, 2003		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

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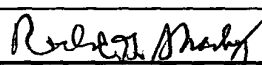
<h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 2003</h3> <p style="margin: 0; font-size: small;">Patent fees are subject to annual revision.</p>		<p style="margin: 0; font-size: small;">Complete if Known</p>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Application Number _____ Filing Date <b>August 21, 2003</b> First Named Inventor <b>Martin A. Cheever</b> Examiner Name _____ Group Art Unit _____ Attorney Docket No. <b>920010.448C10</b>	
<b>TOTAL AMOUNT OF PAYMENT (\$)</b> <b>750</b>			

METHOD OF PAYMENT	
<input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other	
<input type="checkbox"/> Deposit Account: Deposit Account Number <b>19-1090</b> Deposit Account Name <b>Seed Intellectual Property Law Group PLLC</b>	
<p style="font-size: small;">The Commissioner is authorized to (check all that apply)</p> <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee <input checked="" type="checkbox"/> Charge any deficiencies	
<p style="font-size: small;">to the above-identified deposit account.</p>	

FEE CALCULATION					
1. BASIC FILING FEE					
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	750	Utility filing fee	<b>750</b>
		1002	330	Design filing fee	
		1003	520	Plant filing fee	
		1004	750	Reissue filing fee	
		1005	160	Provisional filing fee	
SUBTOTAL (1)					<b>(\$ 750)</b>
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE					
Total Claims	<b>14</b>	-20** =	<b>0</b>	* 18 =	<b>0</b>
Independent Claims	<b>1</b>	-3** =	<b>0</b>	* 84 =	<b>0</b>
Multiple Dependent				280 =	<b>0</b>
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1202	18	Claims in excess of 20	
		1201	84	Independent claims in excess of 3	
		1203	280	Multiple dependent claim, if not paid	
		1204	84	** Reissue independent claims over original patent	
		1205	18	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					<b>(\$ 0)</b>

\*\*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)					
3. ADDITIONAL FEES					
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	2051 65 Surcharge - late filing fee or oath	
		1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet.	
		1053	130	1053 130 Non-English specification	
		1812	2520	1812 2520 For filing a request for <i>ex parte</i> reexamination	
		1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
		1805	1840*	1805 1840* Requesting publication of SIR after Examiner action	
		1251	110	2251 55 Extension for reply within first month	
		1252	410	2252 205 Extension for reply within second month	
		1253	930	2253 465 Extension for reply within third month	
		1254	1450	2254 725 Extension for reply within fourth month	
		1255	1970	2255 985 Extension for reply within fifth month	
		1401	320	2401 160 Notice of Appeal	
		1402	320	2402 160 Filing a brief in support of an appeal	
		1403	280	2403 140 Request for oral hearing	
		1451	1510	1451 1510 Petition to institute a public use proceeding	
		1452	110	2452 55 Petition to revive - unavoidable	
		1453	1300	2453 650 Petition to revive - unintentional	
		1501	1300	2501 650 Utility issue fee (or reissue)	
		1502	470	2502 235 Design issue fee	
		1503	630	2503 315 Plant issue fee	
		1460	130	1460 130 Petitions to the Commissioner	
		1807	50	1807 50 Processing fee for provisional applications	
		1806	180	1806 180 Submission of Information Disclosure Stmt	
		8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
		1809	750	2809 375 Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810	750	2810 375 For each additional invention to be examined (37 CFR § 1.129(b))	
		1801	750	2801 375 Request for Continued Examination (RCE)	
		1802	900	1802 900 Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					<b>(\$ )</b>

SUBMITTED BY				Customer Number  <b>00500</b>
Name (Print/Type)	Richard G. Sharkey, Ph.D.	Registration No. Attorney/Agent	32,629	
Firm Name/Address				
Signature		Date	8/21/03	



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Present Application:**

Applicants : Martin A. Cheever and Mary L. Disis  
Title : IMMUNE REACTIVITY TO HER-2/*neu* PROTEIN FOR  
DIAGNOSIS AND TREATMENT OF MALIGNANCIES IN  
WHICH THE HER-2/*neu* ONCOGENE IS ASSOCIATED  
Docket No. : 920010.448C10  
Date : August 21, 2003

**Prior Application:**

Examiner : Anne L. Holleran, Ph.D.  
Art Unit : 1642  
Application No. : 09/354,533

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REMARKS**

Commissioner:

This application is a continuation of allowed U.S. Patent Application No. 09/354,533, filed July 15, 1999; which application is a continuation of U.S. Patent Application No. 08/466,680, filed June 6, 1995, which issued as U.S. Patent No. 6,075,122; which application is a continuation of U.S. Patent Application No. 08/414,417, filed March 31, 1995 which issued as U.S. Patent No. 5,801,005; which application is a continuation-in-part of U.S. Patent Application No. 08/106,112, filed August 12, 1993 and abandoned; which application is a continuation-in-part of U.S. Patent Application No. 08/033,644, filed March 17, 1993 and abandoned. Accordingly, the Application Data Sheet filed herewith includes a priority claim to the allowed parent application and previous applications, which applications are incorporated herein by reference in their entirety.



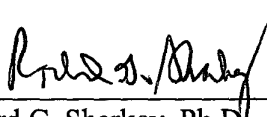
With regard to the claims, the present application is filed with claims 1-14 which are directed to the subject matter that was canceled in the Examiner's Amendment in the parent application. No new matter has been added.

Applicants submit herewith a paper Sequence Listing, a computer readable format (CRF) of the Sequence Listing, and a Declaration regarding the Sequence Disclosure, for the Examiner's convenience.

If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to telephone the undersigned attorney at (206) 622-4900.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



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Richard G. Sharkey, Ph.D.

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Customer Number 00500